

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2014-143981-001 SE

02/02/2015

HONORABLE DAVID B. GASS

CLERK OF THE COURT
E. Aguilar
Deputy

STATE OF ARIZONA

KRYSTLE MARIE FERNANDEZ

v.

TERRY WAYNE HAUPT (001)

LAURA MEYERS GLASS-HESS

PRETRIAL SERVICES AGENCY-CCC

MINUTE ENTRY

The Court has received and reviewed Defendant's Motion to Dismiss or Remand the Case to the Grand Jury (Docket # 30), the State's Response to Defendant's Motion to Dismiss or Remand the Case to the Grand Jury (Docket # 34), and Defendant's Reply to State's Response to Defendant's Motion to Dismiss or Remand the Case to the Grand Jury (Docket # 36).

The Court reviewed the Grand Jury testimony carefully. Defendant's last words before entering the hotel room were, "How about we fuck first and see how it goes." Defense counsel argues that these statements, given their context, show that he had no intention of engaging in bestiality. The Court does not agree. It is an equivocal statement and is appropriately the subject of argument to the jury. The phrase "and see how it goes" is subject to the interpretation that something more may happen, and the grand jury was free to make that interpretation as part of its deliberations.

The State accurately presented defendants statements to the Grand Jury. The State did not mislead the grand jury. The State is not required to speculate about every defense that a defendant may present and argue those defenses or respond to those defenses for the grand jury. That process is left to the jury trial.

IT IS THEREFORE ORDERED denying Defendant's Motion to Dismiss or Remand the Case to the Grand Jury (Docket # 30).

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Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine
their mandatory participation in eFiling through AZTurboCourt.